



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

V.

LYLE HESTER

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§

CASE NO. 1:08-CR-67(3)

MEMORANDUM ORDER
ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT'S GUILTY PLEA

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Giblin conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge* [Clerk's doc. #42]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept the plea agreement. He further recommended that the Court finally adjudge Defendant as guilty on **Count 5** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate's findings. The Court is of the opinion that the *Findings of Fact and Recommendation on Guilty Plea* should be accepted. It is, therefore,

ORDERED that the *Findings of Fact and Recommendation on Guilty Plea* [Clerk's doc. #42] of the United States Magistrate Judge are **ADOPTED**. The plea agreement is conditionally accepted by the Court at this time. It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, Lyle Hester, is hereby adjudged as guilty on **Count 5** of the charging **Indictment** charging violations of Title 42, United States Code, Section 6928(d)(2) and 18 U.S.C. § 2.

So **ORDERED** and **SIGNED** this **24** day of **August, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge